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**Notice of Allowability**

Application No.

10/753,605

Examiner

James S Hogan

Applicant(s)

KOST ET AL.

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed.
2. ☒ The allowed claim(s) is/are 1-89.
3. ☒ The drawings filed on 01/08/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some\* c) ☐ None of the:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
 Paper No./Mail Date 01/08/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
 of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
 Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-89 allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose or render obvious a method of spreading particulate material onto a surface where a hopper is provided, resting on the top surface of a bumper of a vehicle that has a liftgate (or tailgate). The hopper is retained by use of a band that connects to a portion of the upper section of the hopper, and the ends of the band are releasably connected to the vehicle. A portion of the back face of the hopper is adjacent to the tailgate of the vehicle. The hopper then discharges particulate material through a lower discharge opening.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

U.S. Patent No. 5,375,773 to Lewis, disclosing a bumper mounted salt spreader

U.S. Patent No. 6,737,678 to Wyne, disclosing a spreader

U.S. Patent No. 3,191,944 to Watts, disclosing a spreader

U.S. Patent No. 3,819,120 to Walker, disclosing a spreader

U.S. Patent No. 4,157,150 to Hetrick, disclosing a hopper device

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U.S. Patent No. 4,491,275 to Holsworth, disclosing a dispenser for a road vehicle

U.S. Patent No. 4,585,265 to Mader, disclosing a three-position tailgate

U.S. Patent No. 4,712,717 to Egerdahl, disclosing a spreader

U.S. Patent No. 4,964,771 to Callihan, disclosing a cargo retainer

U.S. Patent No. 5,501,405 to Doornek, disclosing a dispenser apparatus

U.S. Patent No. 6,082,801 to Owen et al., disclosing a tailgate extension

U.S. Patent No. 6,089,478 to Truan et al., disclosing a spreader

U.S. Patent No. 6,206,252 to Broadus, disclosing a liquid dispensing tailgate

U.S. Patent No. 6,422,490 to Truan et al., disclosing a spreader

U.S. Patent Application No. 2001/0030216 to Johnson, disclosing a carrier rack for a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH  
04/26/2005



**David A. Scherbel**  
**Supervisory Patent Examiner**  
**Group 3700**